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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,822	10/02/2000	David A. Estell	GC527C2	3611
5100	7590	06/03/2004	EXAMINER	
GENENCOR INTERNATIONAL, INC. ATTENTION: LEGAL DEPARTMENT 925 PAGE MILL ROAD PALO ALTO, CA 94304			SAUNDERS, DAVID A	
			ART UNIT	PAPER NUMBER
			1644	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

677822

Applicant(s)

ESTELL et al

Examiner

SAUNDERS

Group Art Unit

1644

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 2/13/04
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☐ Claim(s) 1, 5, 7, 31-39 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 34-39 is/are allowed.
- ☒ Claim(s) 1, 5, 7, 31-33 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Amendment of 2/13/04 has been entered. Claims 1, 5, 7 and 31-39 are pending.  
Claims 1, 5, 7 and 31-39 are under examination.

The amendment has entered no new matter.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The amendment has overcome previously stated issues in the action mailed 10/6/03 as follows:

The prior art rejections based upon Landry et al, Lipford et al, Graziano et al and Russell-Jones et al.

Upon further consideration claims 1 and 31, with the limits of claim 6 incorporated therein, are not deemed patentable. New grounds of rejection follow.

Claims 1, 5, 7 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grieve et al (6,060, 281) in view of Landry et al (WO 99/6061).

Landry et al have been previously cited (actions of 1/14/03 and 10/6/03) for teaching the general concept of providing altered proteins which have a modified T-cell epitope. They teach that one would be motivated to modify the T-cell epitopes of proteins used in vaccines in order to increase immunogenicity of the vaccine, by either providing for more immunogenic CD4+ or CD8+ T-cell epitopes (page 32, lines 19-27).

Grieve et al (6,060,281) teach that phospholipases from parasitic helminthes are desirable proteins to be used as the immunogenic components of vaccines. For example, see col.4, lines 32-53; col.12, line 59-col.13, line 9; col.27, lines 28-50. Grieve et al teach that when administered, it is desirable to induce both humoral (B-cell) and

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cellular (T-cell) responses (col.29, lines 13-24). In any event Landry et al teach that one would be motivated to enhance the immunogenicity of any existing T-cell epitopes (page 28 line 4). It is thus considered that one would have been led to modify the phospholipase immunogens of Grieve et al by applying the T-cell epitope enhancing methodology of Landry et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Saunders, PhD whose telephone number is 571-272-0849. The examiner can normally be reached on Monday-Thursday from 8:00a.m to 5:30p.m. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan, can be reached on 571-272-0841. The fax phone number for the organization where this application or proceeding is assigned is 571-273-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Saunders/tgd

May 18, 2004

*David A Saunders*

DAVID SAUNDERS  
PRIMARY EXAMINER

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